

REMARKS

Claims 1-4, 23, 25 and 26 are pending in this application. Claims 1, 4, 23, 25 and 26 have been amended and claim 3 has been canceled without prejudice by the present Amendment. Amended claims 1, 4, 23, 25 and 26 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of claims 1, 2, 4 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,238,964 ("Cho"), claim 3 having been canceled.

Applicants respectfully submit that Cho does not disclose or suggest a bias power that is applied only to a target when the first upper electrode is formed by physical vapor deposition, as recited in amended claims 1 and 23. Further, Applicants respectfully submit that it would not have been obvious to modify Cho to develop same. Therefore, Applicants respectfully submit that claims 1 and 23 are patentable over Cho. In addition, for at least the reason that claims 2 and 4 depend from claim 1, claims 2 and 4 are also submitted to be patentable over the cited reference.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 4 and 23 under 35 U.S.C. § 103(a) and that claims 1, 2, 4 and 23 are in condition for allowance, claim 3 having been canceled.

Reconsideration is respectfully requested of the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Cho as applied to claims 1-4 and 23, and further in view of U.S. Patent No. 6,461,914 ("Roberts").

Applicants respectfully submit that Cho or Roberts, when taken alone or in

combination, do not disclose or suggest a bias power that is applied only to a target when the first upper electrode is formed by physical vapor deposition, as recited in amended claim 25.

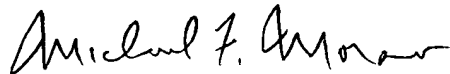
As stated above, Cho does not disclose or suggest this feature. Further, Applicants respectfully submit that it would not have been obvious to modify Cho in view of Roberts to develop same.

Therefore, Applicants respectfully submit that claim 25 is patentable over Cho as applied to claims 1-4 and 23, and further in view of Roberts. In addition, for at least the reason that claim 26 depends from claim 25, claim 26 is also submitted to be patentable over the cited references.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) and that claims 25 and 26 are in condition for allowance.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael F. Morano".

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